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'We Want to be More European': The 2003 Licensing Act and Britain's Night-Time Economy

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As a result of the new licensing regime introduced in England and Wales in November 2005, the nature of the town/city centre night-time economy and its future development has become a particularly pressing policy issue for local authorities. Among local authorities and local Crime and Disorder Reduction Partnerships, continental-style 'diversity' – in the sense of a broader mix of participants and forms of entertainment – has emerged as an ideal to be strived for. This article examines the problems faced by those attempting to create diversity and with it the 'continentalisation' of the night-time economy in this country.

Introduction

The analysis here draws upon the author's research on the night-time economy, and attendant problems of crime and disorder, in a number of towns and cities in England and Wales (Tierney and Hobbs, 2003). Specific reference is made to a subsequent, detailed study of one particular, and typical, medium-size town centre location: a London borough referred to here as 'Boroville'. Whilst a detailed analysis of the data generated by this study is not necessary, some findings particularly relevant to the discussion of 'diversity' are referred to. The research covered a ten month period and, focusing on the town centre, sought to provide a detailed profile of Boroville's night-time economy. Both quantitative data (from, for example, the police, the local authority, and the local hospital Accident and Emergency Department) and qualitative data (based on, for example, participant observation and semi-structured interviews with participants, bar managers, door staff, and others who, in various ways, were involved with the night-time economy), were drawn on.

The 2003 Licensing Act introduced a new licensing regime in England and Wales, and with it the possibility of greatly extended (even 24 hour) opening hours for licensed premises. The Department for Culture, Media and Sport believes that the new legislation, for which it has responsibility, will provide the basis for a transformation in the nature of the night-time economy in England and Wales. Thus for local authorities, who replaced magistrates as the licensing authority, and local Crime and Disorder Reduction Partnerships (CDRPs), the future development of their evening and night-time town and city centres has become a particularly pressing policy issue. Among local authorities (including the one in Boroville) a night-time economy based upon 'diversity' has emerged as an ideal to strive for. In this context, diversity is conceptualised in terms of two mutually reinforcing components: a diverse mix of participants, and the provision of a diverse range

of leisure activities. Therefore, and looking across the Channel for inspiration, in some future, ideal world, we will witness the 'continentalisation' of the night-time economy, whereby it is transformed into a multifaceted, multicultural and safe environment, similar to that apparently found in continental Europe. This is a vision of the future shared by both central and local government. As the then minister for Culture, Media and Sport, Richard Caborn, put it:

> We are trying to modernise the system and the industry is with us. We want to be more European. (quoted by Levy and Scott-Clark, 2004)

And, in a similar vein, a councillor from Greater Manchester – where the development of the night-time economy has been particularly successful in economic terms – has stated:

> I spent time in Berlin over Christmas and was struck by the mixed age groups that use the city centre. Theirs is very much a café-and-cake culture, and we definitely see that as part of the Manchester vision. (*The Guardian*, 2004)

It is a tall order, especially in view of the limited extent to which a local authority and other interested parties will be able to influence the processes necessary to achieve such a goal.

The night-time economy

A product of public–private partnerships forged between local authorities and a service industry based upon consumption and leisure, the remarkable growth of the night-time economy in this country, together with its profound social, cultural and economic impact, has been documented and analysed in a number of studies (for example, Lovatt *et al.* 1994; Zukin, 1995; Hall and Hubbard, 1998; Thomas and Bromley, 2000; Hadfield *et al.*, 2001; Chatterton and Hollands, 2002; Monaghan, 2002; Hobbs *et al.*, 2003). It is an economy characterised by three obvious features. Firstly, it is based upon the consumption of alcohol, often in large quantities; a market where, as Hobbs (2002: 59) puts it: 'consumers are encouraged to become inebriated'. Secondly, it is primarily oriented towards younger people aged 18 to 35, reflecting the success of the marketing strategies introduced by the brewing industry over the last quarter of a century, and aimed explicitly at younger, male and female, drinkers. And, thirdly, it is a market concentrated in town and city centre entertainment zones.

Problems

The development of a thriving night-time economy has clearly brought with it a range of economic and other benefits, spectacularly so in the case of certain locations, where regeneration and re-branding have been highly successful. However, across the country local authorities and CDRPs have become increasingly concerned about the negative aspects. A large body of research has shown that there are significant costs in the shape of crime, disorder and 'quality of life' issues, such as street fouling and noise (Hutchinson *et al.*, 1998; Lister *et al.*, 2000; Tierney and Hobbs, 2003; Home Office, 2004a). While

data on alcohol-related crime and disorder did not show that Boroville town centre was an especially dangerous place when compared with other, similar locations, there were the inevitable and familiar alcohol-related problems, ranging from assaults to low-level forms of disorderly behaviour. The most recent annual recorded crime figures showed that 45 per cent of all crime incidents in the town centre during the night/early morning were in the category of violence against the person, compared with 23 per cent for the borough as a whole. Levels of violence against the person and criminal damage in the town centre peaked on Friday and Saturday nights, and 40 per cent of all violence against the person offences occurred within 50 metres of a drinking venue.

The arrival of a new, liberalised licensing regime has sharpened concerns among policy makers over how best to respond to the largely unanticipated consequences of a process that began around 25 years ago. It is within this context that diversity, as defined above, has emerged as an important gaol. The central question, though, is the extent to which diversity can be achieved, given the existing social, cultural and economic dynamics of the night-time economy in this country.

Achieving diversity

A mix of participants

The research in Boroville found that a significant proportion of older residents and couples with children avoided visiting the town centre during the evening and night-time, especially at weekends. Aggregating the figures for one Friday and Saturday night, showed that nearly 80 per cent of drinkers in the town centre pubs and bars were aged 18 to 35, and only 3.2 per cent were aged 50 and over. Non-participation was linked to concerns about crime, disorderly behaviour and personal safety, and as well to the lack of alternatives to youth-oriented licensed premises. This is congruent with the findings from research in other parts of the country (for example, Thomas and Bromley, 2000; Tierney and Hobbs, 2003). One important qualification to this is that discussions of diversity tend to be predicated on the assumption that the night-time economy, as it is presently constituted, appeals to and attracts virtually all of the local young people. In other words, that the pool of non-participants for whom the town is in effect a 'no-go' area at certain times, is made up exclusively of older people and couples with children. However, as Chatterton and Hollands (2002) point out in their research in Newcastle-upon-Tyne, some groups of young people are, for financial or cultural reasons, themselves non-participants.

Historically, local responses to problems associated with alcohol consumption and the night-time economy have been grounded in attempts to manage risk by introducing various community safety initiatives. These initiatives have focused on licensed premises, the street, transportation, offenders and various campaigns, such as the promotion of 'sensible' drinking and alerting customers to the dangers of 'spiked' drinks (Shepherd, 1994; Plant, Single and Stockwell, 1997; Home Office, 2004b). Taken as a whole, they amount to a huge compendium of possibilities. However, where successful, these initiatives have functioned primarily to make town centres safer for existing 'typical' participants in the night-time economy. Any hoped for spin-off in terms of encouraging older clientele and families to rub shoulders with young weekend revellers has tended not to materialise. Thus, whilst creating a safer environment for young participants is obviously to be applauded, on its own this will not create diversity. From the point of

view of the local authority, the police and town centre businesses in Boroville, 'negative perceptions' among some sections of the local population were the principle reason for their non-participation in the night-time economy. However, a common view was that these perceptions were not commensurate with the actual risks that people were likely to face. Used in this way, negative perceptions were virtually synonymous with the notion of 'fear of crime', and raise an important issue within the context of debates about diversity. Attempts to measure fear of crime are now one of the staple ingredients of local audits of crime and disorder, and these audits frequently emphasise that such fears are not commensurate with the risks of being a crime victim (for critical discussions of the concept of fear of crime see Walklate, 1998; Lee, 2001). Indeed, the latest crime and disorder audit for Boroville stated that:

> The recent increase in fear of crime reported by Boroville residents is understood, although considered disproportionate to the actual risk.

If policy makers believe that the fear of crime is disproportionate to the actual risks, the corollary of this is that the actual risks equate with 'reality' and the fear of crime equates with an 'incorrect' perception. Furthermore, such a belief is based upon the dubious assumption that each of these can be quantified – if they cannot be quantified, then how can it be established that fears are disproportionate? Although the auditing process may have a surface appearance of being guided by actuarial, 'objective' principles, in practice it is often infused with commonsense judgements (Moore, 2000). In the case of a specific town centre and its night-time economy, measuring so-called 'actual' risks associated with alcohol-related crime and disorder, and then assessing the degree of congruency between these and people's negative perceptions are fraught with difficulties. It has to be recognised that an individual's perception of risk is real for them. Therefore, it is misleading to view these negative perceptions as irrational, and on that basis assume that the task is simply one of replacing these with 'rational' perceptions. Even if non-participants had an opportunity to experience the night-time economy at first hand – which, from the perspective of many of those we interviewed, should help reduce the gap between 'negative perception' and 'reality' – it does not necessarily follow that they would then wish to participate. For some, their experiences might turn out to be worse than they anticipated. The process of judging how 'bad' things are (and this applies to statutory authorities as well as the local community) has, at its core, different and competing understandings, sensitivities and tolerance thresholds. The problem is that debates on this theme tend to conflate what are, in fact, two different dimensions: (i) an individual's perception of what occurs, and (ii) that individual's degree of concern based upon that perception.

The issue can be pursued further by viewing the problems associated with the night-time economy in terms of a spectrum of types and amounts of behaviour, ranging from (at the 'low' end) boisterousness, through 'bad' language and urinating in the street, to (at the 'high' end) serious assaults. Among the representatives of the local authority, police and local businesses that we interviewed in Boroville, the assumption was that non-participants (earmarked as the source of diversity in the future) perceived the problems to be located at the 'high' end of the spectrum, when in reality they lay towards the 'low' end. Thus the crucial task was to disabuse them of this negative perception. However, from the point of view of many non-participants, even the behaviours located at the

'low' end are likely to be unacceptable: in other words, the *normal* behaviour associated with young people who have consumed large amounts of alcohol, behaviour routinely replicated across the country. For many older residents in Boroville, one straightforward disincentive to participate in the night-time economy at the weekend is that they will be sharing the experience with large numbers of inebriated young men and women.

In all discussions of future diversity in Boroville, there was no suggestion that it would necessitate the *de facto* exclusion of some current participants; the implicit assumption was that diversity involved an overall increase in participants. This view is congruent with that expressed a decade ago in Department of the Environment Circular 5/94, where it was argued that increasing the numbers and age ranges of people visiting a town or city centre during the evening and night-time would help prevent crime because of 'crowding out' and 'animation' (again, the imagery is drawn from continental Europe). Whilst the realisation of a much more inclusive and diverse local night-time economy is, from the perspective of local authorities, the police and central government, a highly desirable goal, within a specifically British context, diversity may itself create new sorts of problems. This is especially the case with smaller town centres, where there is limited scope for zonal diversity based upon the geographical segregation of different groups and leisure experiences. The achievement of diversity in smaller town centres would involve an integration, rather than segregation, of different groups. Thus older and younger people (including young people looking for a quiet, trouble-free night out), together with couples with children, would be co-participants in the night-time economy. Clearly, this would transform its present monocultural nature, and for many would represent an ideal future. However, a heavy drinking culture and the disorderly behaviour associated with it will not disappear overnight. As a result, this situation might easily generate new sources of conflict based upon, for example, older people and parents of young children objecting to 'bad' language or young men urinating in the street.

A diverse range of leisure activities

Enticing non-participants to become participants in the night-time economy is obviously contingent upon appropriate alcohol-led, as well as non-alcohol-led, activities being on offer. Basically, such activities fall into four categories:

- Pubs or bars that are not dominated by younger drinkers.
- Licensed or non-licensed premises providing a variety of specialised entertainment, such as different types of live music.
- Restaurants and 'continental style' cafés.
- Non-alcohol-led attractions such as museums, cinemas, theatres and sports.

Boroville's town centre is fairly typical in that it contains a cinema, theatre and a handful of small, traditional pubs. The night-time economy, however, is dominated by larger licensed premises catering primarily for younger drinkers and, particularly on Friday and Saturday nights, the traditional pubs are largely frequented by young drinkers in the early part of the evening (because prices are cheaper than in other venues). Restaurants managers and the manager of the theatre reported that there was a drop in business on Friday and Saturday evenings. Thus, although there exist some leisure activities that are potentially attractive to non-participants, in terms of diversity, they are unable to make a significant impact.

Within the local authority and among others arguing for diversity, the solution, as they saw it, lay in the provision of a greater range of suitable alternative venues and activities. As one police officer, for instance, said: 'I'd like to see a jazz club in the town centre, where you can have a drink and listen to live music.' Essentially, the challenge is one of altering existing leisure opportunities and developing new ones. However, entrepreneurs, whether breweries or individuals, will only alter the nature of their existing pubs, bars and clubs, or invest in new premises and enterprises, if it is commercially viable. Therefore, any debates about the shape of the night-time economy within a particular town centre have, fundamentally, take the market into consideration. In this respect, the omens are not encouraging. The large capacity venues and heavy drinking culture around which the night-time economy is built, generate substantial profits for the breweries and, of course, it will be extremely difficult to attract capital investment directed at either different styles of licensed premises, or alternative leisure activities. Thus, for instance, whilst a small club providing late-night cabaret would be welcomed by some local residents, from the point of view of profitability, it would hardly compare with a one thousand capacity, themed 'vertical drinking bar'. A further dimension to this is the effect that highly profitable licensed premises have on town and city centre rent levels:

> The market pressures placed upon less profitable, non-alcohol-based businesses such as high street cinemas, theatres, live music venues, and restaurants, then ensure that they can no longer afford to operate in the area, being displaced by additional alcohol-led businesses. (Hobbs *et al*., 2003: 247)

However, even if current non-participants were presented with alternative and, to them, attractive activities, coupled with a safe environment, there is no guarantee that participation rates among these groups will increase significantly. Compared with younger and typical participants, the participation of older people and families in the night-time economy is much more contingent upon personal circumstances (for example, stage in the family cycle) and rival attractions (for example, country pubs, dinner parties).

Conclusion

Clearly, changes to the licensing regime have important implications for urban social policy and, within that context, notions of inclusion and exclusion, seen here in terms of participation and non-participation. The impact of these changes, though, is difficult, if not impossible to predict. As far as achieving diversity is concerned, the signs are not encouraging: the imperatives of the market, coupled with the limited powers available to a Licensing Authority, provide little room for manoeuvre. A Licensing Authority cannot, for instance, impose a fixed, or a set of staggered closing times on selected licensed premises in a particular area; and only 'relevant' representations, supported by compelling evidence, will lead to the refusal of a license application or renewal. However, this is not an argument for policy inertia – some foundations for the future can be laid now. Local authorities and their CDRPs would benefit from the production of good, routinely monitored, information pertaining to alcohol-related crime and disorder in their town and city centres (for example, based upon their local audits of crime and disorder). At the same time, the rhetoric of 'partnership' could be translated into practice that is more robust

if the drinks industry made an appropriate contribution to the policing of the night-time economy, in combination with other community safety initiatives.

More pessimistically, although the Department for Culture, Media and Sport sees the 2003 Licensing Act playing a key role in changing the character of the night-time economy, so that it resembles a continental café culture model, it is difficult to see how this could be accomplished in the foreseeable future, given its current characteristics. The licensing powers available to local authorities under the terms of the Act are unlikely to lead to a transformation of town and city centres, whether from the point of view of the types of licensed premises operating, the range of alternative, non-alcohol-led activities available, or the age-mix of participants. In practice, the market will continue to play the dominant role. It is a massive leap of faith to believe that under these circumstances local authorities are in a position to respond to the changes introduced by the new Act in such a way that, at least in the medium term, there is a significant shift away from a youth dominated, heavy drinking culture, towards one usually associated with continental Europe. This is especially the case when trends in under-age drinking are considered (see, for example, Tierney, 2004, for a discussion of under-18 s discos/club nights). Proponents of the new legislation argue that the introduction of flexible closing times will lead to less concentrated, 'binge' drinking and fewer dispersal problems, thereby reducing crime and disorder. However, even if this were to occur, it would not necessarily encourage diversity in the sense of a greater mix of participants. As has been argued above, the relatively harmless *normal* behaviour of large numbers of young drinkers is sufficient to deter wider participation. In the meantime, Barcelona, Berlin and Paris will continue to provide the reference points for an idealised future, one where young people in Britain somehow forgo their love affair with alcohol and discover the pleasures of a rich espresso or a fragrant thé au citron.

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